DOCUMENT RESUME

ED 483 023 EA 032 264

TITLE	Ensuring Equal Access to High-Quality Education. Revised.
INSTITUTION	Office for Civil Rights (ED), Washington, DC.
PUB DATE	2003-07-00
NOTE	13p.
PUB TYPE	Reports - Descriptive (141)
EDRS PRICE	EDRS Price MF01/PC01 Plus Postage.
DESCRIPTORS	*Civil Law; *Civil Rights; Civil Rights Legislation; *Compliance (Legal); Elementary Secondary Education; *Equal Education; Federal Regulation; Higher Education; Legal Responsibility; Student Rights
IDENTIFIERS	Office for Civil Rights

ABSTRACT

This brochure describes the activities of the Office for Civil Rights (OCR) in the U.S. Department of Education. The OCR is a law-enforcement agency charged with upholding the federal civil-rights laws that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance. The pamphlet describes how civil-rights laws apply to most educational institutions in the nation, including almost 15,000 school districts and more than 3,600 colleges and universities, as well as students and employees. The OCR receives discrimination complaints directly from the public, as many as 5,000 each year, featuring such issues as ability grouping, school desegregation, racial harassment, sexual harassment, treatment of students who are pregnant, accessibility of school facilities and programs, appropriate special-education services, and auxiliary aids for students with impaired sensory, manual, or speaking skills. Also described are the ways that OCR resolves complaints and how the agency carries out compliance reviews. The OCR also offers technical assistance for people and institutions to help them comply with federal law. A brief description of the impact of the civil-rights laws, as well as an overview of the future challenges of the OCR, are provided. (RJM)

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ED 483 023

U.S. Department of Education
Office for Civil Rights

Ensuring Equal Access To High-Quality Education

Revised July 2003

U.S. Department of Education
Office for Civil Rights
Washington, D.C. 20202-1100

EA032264

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Impact of the Civil Rights Laws

Enforcement of the federal civil rights laws has helped bring about profound changes in American education and improved the educational opportunities of millions of students. Many barriers that once prevented individuals from freely choosing the educational opportunities and careers they would like to pursue have been brought down. Many school systems are now making it possible for students who are not proficient in English to participate effectively in their educational programs. Many more students with disabilities are now able, with the provision of supplementary aids and services, to participate in regular education classes.

In addition, the No Child Left Behind Act of 2001 (NCLB), the law that comprehensively reforms federal education programs, promotes the Department's mission of ensuring equal access to education and promoting educational excellence throughout the nation. The NCLB Act contains specific provisions to ensure that all children will have access to high-quality education regardless of race, ethnicity, sex, disability or socio-economic status.

The civil rights laws have opened the doors to our schools, classrooms, auditoriums, athletic fields and arenas. In response, people from the many diverse backgrounds that represent today's America are coming through the doors, on the way to becoming our future leaders in business, government, science, the arts and education. The civil rights laws, combined with the NCLB Act, will ensure that these doors remain open to all.

Responsibilities of the Office for Civil Rights

The Office for Civil Rights (OCR), in the U.S. Department of Education (Department), is a law enforcement agency charged with enforcing federal laws to ensure that educational institutions receiving federal financial assistance do not engage in discriminatory conduct. OCR enforces the federal civil rights laws that prohibit discrimination on the bases of race, color, national origin, sex, disability and age in programs or activities that receive federal financial assistance from the Department. The civil rights laws represent a national commitment to end discrimination in educational programs or activities. These laws are:

- Title VI of the Civil Rights Act of 1964 (prohibits race, color and national origin discrimination);
- Title IX of the Education Amendments of 1972 (prohibits sex discrimination);
- Section 504 of the Rehabilitation Act of 1973 (prohibits disability discrimination);
- Age Discrimination Act of 1975 (prohibits age discrimination); and
- Title II of the Americans with Disabilities Act of 1990 (prohibits disability discrimination by public entities, including public school districts, public colleges and universities, public vocational schools and public libraries, whether or not they receive federal financial assistance).

In addition, OCR enforces the Boy Scouts of America Equal Access Act, part of the No Child Left Behind Act of 2001. Under the Boy Scouts of America Equal Access Act, no public elementary school, public secondary school or state or local education agency that provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities before or after school hours shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society.

Most of OCR's activities take place in the enforcement offices located around the nation. In Washington, D.C., the Office of the Assistant Secretary for Civil Rights provides overall leadership and coordination.

The Laws Apply to Educational Institutions

The civil rights laws extend to most educational institutions in the nation, since most educational institutions receive some type of federal financial assistance. This means that the civil rights laws cover:

- almost 15,000 school districts;
- more than 4,100 colleges and universities;
- about 5,000 institutions that confer certificates below the associate degree level, such as training schools for truck drivers and schools for cosmetology; and
- thousands of other entities, such as libraries, museums, vocational rehabilitation agencies and correctional facilities.

The Laws Apply to Students and Employees

The civil rights laws protect large numbers of students attending, or applying to attend, our education institutions, as follows:

- about 53.6 million students attending elementary and secondary schools; and
- about 15.6 million students attending our colleges and universities.

In certain situations, the laws also protect persons who are employed, or are seeking employment, at education institutions.

OCR Receives Discrimination Complaints from the General Public

One important way that OCR carries out its responsibilities is by resolving complaints filed by students, parents and others. The person or organization filing the complaint need not be a victim of the alleged discrimination, but may complain on behalf of another person or group. Generally, OCR will take action only with respect to those complaints that have been filed within 180 calendar days of the last act of alleged discrimination, or where the complaint alleges a continuing discriminatory policy or practice.

OCR receives approximately 5,000 complaints each year. The complaints involve some of the most important issues affecting equal access to high-quality education.

Under Title VI — race, color, and national origin discrimination — complaints include such issues as:

- use of racial or ethnic classifications, including ability grouping;
- access to alternative-language services by English-language-learners;
- disciplinary practices;
- student assignment policies, including assignment to gifted and talented programs;
- interdistrict student transfers;
- school desegregation;
- racial harassment;
- student housing on college campuses; and
- academic grading.

Under Title IX — sex discrimination — complaints include such issues as:

- sexual harassment;
- equal opportunity in interscholastic and intercollegiate athletics;
- treatment of students who are pregnant; and
- admission to postsecondary institutions.

Under Section 504 and Title II — disability discrimination — complaints include such issues as:

- accessibility of school facilities and programs;
- appropriate special education services;
- evaluation and placement of students who may need special education services;
- teaching students in the least restrictive environment consistent with their educational needs;
- suspension and expulsion of students with disabilities;
- academic adjustments and modifications; and
- auxiliary aids for students with impaired sensory, manual or speaking skills.

How OCR Resolves Complaints

OCR's primary objective, in complaint resolutions, is to resolve complainants' allegations of discrimination promptly, fairly and appropriately. OCR has found that the best way to resolve problems is a collaborative approach among students, parents, community groups, state and local education agencies, schools and colleges.

OCR uses a variety of methods to resolve complaints, ranging from facilitating voluntary resolutions between parties to negotiating agreements with recipients for voluntary compliance.

It is only after OCR determines that compliance cannot be secured by voluntary means that OCR seeks compliance through the administrative hearing process or refers cases to the U.S. Department of Justice. This flexible approach allows OCR to:

- provide timely and effective intervention at the beginning of the complaint process;
- focus on achieving compliance with anti-discrimination statutes; and
- make students, parents and school officials central to the resolution of complaints.

OCR Carries Out Compliance Reviews

Agency-initiated cases, typically called "compliance reviews," permit OCR to target resources on compliance problems that appear particularly acute, national in scope, or which are newly emerging.

Targeted compliance reviews maximize the impact of OCR's resources and balance the enforcement program. Compliance reviews ensure that vulnerable groups, such as the very poor or non-English speaking individuals, who may be less aware of the laws, have their civil rights protected. OCR's experience also shows that careful targeting of compliance reviews nearly always results in recipients making policy or program changes that benefit large numbers of students — unlike complaints where remedies may benefit only the complaining party.

OCR selects compliance reviews based, in part, on various sources of information, including survey data and information provided by complainants, education groups, media and the general public. OCR has conducted compliance reviews on such issues as:

- minority students in special education and low-track courses;
- English language learners' access to alternative-language services to benefit from school districts' educational programs;
- free appropriate public education for students with disabilities;
- minority students' access to gifted and talented and other advanced placement courses;
- racial harassment;
- sexually hostile environments; and
- desegregation in higher education and in elementary and secondary school systems.

OCR recognizes that federal, state, and local education agencies, as well as parents and other interested parties, share a common goal of providing equal opportunity and access to educational benefits. OCR combines its expertise with the expertise of these partners and stakeholders to come up with effective solutions, including educationally sound remedies that increase educational opportunities for all students.

OCR's Technical Assistance Helps People and Institutions

The aim of OCR's technical assistance efforts is to prevent violations of the civil rights laws. This is accomplished by helping recipients comply with the laws and helping beneficiaries understand their rights. In view of the millions of students protected by the civil rights laws, OCR recognizes that its efforts alone are insufficient to stop illegal discrimination in education. Students, parents and educators must have the knowledge and skills to prevent illegal discrimination from occurring in the first place.

OCR provides assistance to enable institutions to come into compliance during the complaint resolution process or during a compliance review. In addition, OCR conducts a broad program of proactive technical assistance outreach through a variety of methods, including onsite consultations, training classes, workshops, meetings and participation in conferences. OCR also responds to inquiries and requests for assistance from other federal agencies, state and local education agencies, community groups, parents, students and the general public.

Many OCR offices have developed customer service teams to be more responsive to our partners, stakeholders and members of the general public. OCR has established a home page, http://www.ed.gov/ocr, which also is linked to the Department's Web site.

Challenges Ahead

While we recognize the progress brought about by enforcement of the civil rights laws, some people in the nation are illegally denied full educational opportunities.

Policies and practices that deny challenging courses and programs to persons with disabilities, females, older Americans and racial and language minorities still exist. A commitment to the goals of the civil rights compliance program — equal access, educational excellence, and high standards for all students — is an investment that must be made, if we are to secure America's future.

Contacting OCR

The Customer Service Team in OCR's national headquarters answers OCR's hotline. Callers use the hotline to inquire about a wide range of issues that relate to federal civil rights laws and OCR policies and guidelines, and to obtain information on OCR's enforcement program.

If you would like more information about the laws that the Office for Civil Rights enforces, how to file a civil rights complaint, or how to obtain technical assistance, you may want to contact the enforcement office that serves your state or U.S. Territory. The enforcement offices can be contacted at: http://www.ed.gov/ocr/contactus.html

For further information:

OCR Hotline: 202-205-5413; 800-421-3481;

TTY: 877-521-2172

E-mail: OCR@ed.gov

Web: http://www.ed.gov/ocr

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